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November 15, 2021

Hon. Ronnie Abrams
U.S. District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Trejos Hermanos Sucesores S.A. v. Verizon Communications, Inc.*,
Case No. 1:21-CV-08928(RA)

Dear Judge Abrams:

This firm represents plaintiff Trejos Hermanos Sucesores S.A. (“Trejos Hermanos”) in the above-referenced case, which defendant Verizon Communications Inc. removed to this Court from New York Supreme Court on November 1, 2021 pursuant to 28 U.S.C. § 1441 and 1446.

Trejos Hermanos initially filed this action by way of a motion for summary judgment in lieu of complaint, a procedure permitted under Section 3213 of the New York Civil Practice Law and Rules (“CPLR”). Upon removal to federal court, a motion under CPLR § 3213 is automatically converted into a motion for summary judgment under Federal Rule of Civil Procedure 56 with no further action required by Plaintiff. *See, e.g., Beaufort Capital Partners LLC v. Oxysure Sys., Inc.*, Case No. 16-cv-5176 (JPO), 2017 WL 913791, at *2 (S.D.N.Y. Mar. 7, 2017); *Valley National Bank v. Oxygen Unlimited, LLC*, Case No. 10-cv-5815 (GBD), 2010 WL 5422508, at *2 (S.D.N.Y. Dec. 23, 2010).

In an abundance of caution and in the interest of clarity, we wish to notify the court that we will be refiling our initial motion under CPLR § 3213 as a Rule 56 motion for summary judgment. Plaintiff and Defendant have reached agreement on a briefing schedule and expect to file the proposed schedule shortly.

Sincerely,



Benjamin W. Graham

Counsel for Plaintiff